

~~CR - 08 00454 JW
UNITED STATES DISTRICT COURT~~ HRL

~~SEALED BY ORDER
OF THE COURT~~ NORTHERN DISTRICT OF CALIFORNIA

~~JULY 9, 2008~~
SAN JOSE DIVISION
RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

THE UNITED STATES OF AMERICA

vs.

FORREST WILLIAM McELFRESH

INDICTMENT

COUNT ONE: Title 18, United States Code, § 2252(a)(2) - Receipt of Material Involving the Sexual Exploitation of Minors;

COUNT TWO: Title 18, United States Code, § 2252(a)(4)(B) - Possession of Material Involving the Sexual Exploitation of Minors

A true bill.

Ramona Wells

Foreperson

Filed in open court this 9th day of July

A.D. 2008

No Bail Arrest Warrant

rs
Bail. \$ _____

R. Miller

United States Magistrate Judge

DOCUMENT NO.	CSA's INITIALS
I	o
DISTRICT COURT CRIMINAL CASE PROCESSING	

1 JOSEPH P. RUSSONIELLO (CABN 44332)
2 United States Attorney
3

FILED

2008 JUL -9 PM 3:09

4 RICHARD W. WIEKING
5 CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.
6

7 SEALED BY ORDER
8 OF THE COURT
9

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

CR-08 00454

13 UNITED STATES OF AMERICA,

No.

14 Plaintiff,

15 v.
16 FORREST WILLIAM McELFRESH,
17 Defendant.
18 _____
19

VIOLATIONS: 18 U.S.C. § 2252(a)(2) – Receipt of Material Involving the Sexual Exploitation of Minors; 18 U.S.C. § 2252(a)(4)(B) – Possession of Material Involving the Sexual Exploitation of Minors; 18 U.S.C. §§ 2253(a)(1) & (a)(3) – Criminal Forfeiture

SAN JOSE VENUE

UNDER SEAL

20 INDICTMENT

21 The Grand Jury charges:

22 COUNT ONE: (18 U.S.C. § 2252(a)(2) – Receipt of Material Involving the Sexual Exploitation
of Minors)

23 On or about January 23, 2008, in the Northern District of California, the defendant,

24 FORREST WILLIAM McELFRESH,

25 did knowingly and intentionally receive, by means of computer, certain visual depictions which
26 had been shipped and transported in interstate and foreign commerce, the producing of which (1)
27 involved the use of one and more minors engaging in sexually explicit conduct, and
28

INDICTMENT
U.S. v. McELFRESH

1 (2) depicted such conduct, in violation of Title 18, United States Code, Section 2252(a)(2).

2 COUNT TWO: (18 U.S.C. § 2252(a)(4)(B) – Possession of Material Involving the Sexual
3 Exploitation of Minors)

4 On or about February 15, 2008, in the Northern District of California, the defendant,
5 FORREST WILLIAM McELFRESH,

6 did knowingly and intentionally possess one and more electronically-stored visual depictions
7 which had been mailed, shipped, and transported in interstate and foreign commerce by any
8 means, including by computer, and the producing of which (1) involved the use of one and more
9 minors engaging in sexually explicit conduct, and (2) depicted such conduct, in violation of Title
10 18, United States Code, Section 2252(a)(4)(B).

11 FORFEITURE ALLEGATION: (18 U.S.C. §§ 2253(a)(1) and (a)(3) - Criminal Forfeiture)

12 The allegations contained in Counts One through Three of this Indictment are hereby
13 realleged and by this reference fully incorporated herein for the purpose of alleging forfeiture
14 pursuant to Title 18, United States Code, Section 2253.

15 Upon conviction of the offenses alleged in Counts One through Three above, or any of
16 them, the defendant,

17 FORREST WILLIAM. McELFRESH,

18 shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 2253(a)(1)
19 and (a)(3), all visual depictions described in Title 18, United States Code, Section 2252, and all
20 property, real or personal, used or intended to be used to commit or promote the commission of
21 the offenses of conviction, including but not limited to, a G5 Macintosh CPU, serial number

22 ///

23

24

25

26

27

28

1 FZ3398DYO9ZA, with Lexor card reader and 8 megabyte compact card, which was seized from
2 703 Clara Drive, Palo Alto, California.

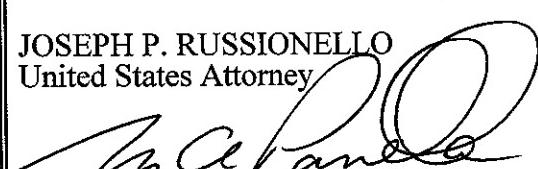
3
4 DATED: 7/9/08

A TRUE BILL.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28


Anna Wills
FOREPERSON

JOSEPH P. RUSSIONELLO
United States Attorney


MATTHEW A. PARRELLA
Chief, San Jose Branch Office

(Approved as to form: H. G. Chew)

H. G. Chew
AUSA CHEW

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

Name of District Court, and/or Judge/Magistrate Location
FILED
 NORTHERN DISTRICT OF CALIFORNIA

OFFENSE CHARGED

18 U.S.C. 2252(a)(2)
 18 U.S.C. 2252(a)(4)(B)
 18 U.S.C. 2253(a)(1) and (a)(3) - Criminal
 Forfeiture

- Petty
 Minor
 Misdemeanor
 Felony

PENALTY:

See attached sheet

**SEALED BY ORDER
OF THE COURT**

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)
 FBI Special Agent Wade Luders

person is awaiting trial in another Federal or State
 Court, give name of court

this person/proceeding is transferred from another
 district per (circle one) FRCrP 20, 21 or 40. Show
 District

this is a reprocution of
 charges previously dismissed
 which were dismissed on
 motion of:

U.S. Att'y Defense
 this prosecution relates to a
 pending case involving this same
 defendant
 prior proceedings or appearance(s)
 before U.S. Magistrate regarding
 this defendant were recorded under

SHOW
DOCKET NO.

MAGISTRATE
CASE NO.

Name and Office of Person
 Furnishing Information on
 THIS FORM Joseph P. Russoniello

U.S. Att'y Other U.S. Agency

Name of Asst. U.S. Att'y
 (if assigned) Hanley Chew

IS NOT IN CUSTODY

- 1) Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior summons was served on above charges
- 2) Is a Fugitive
- 3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
 5) On another conviction
 6) Awaiting trial on other charges } Fed'l State

If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No } If "Yes" give date filed

DATE OF ARREST Month/Day/Year

Or... if Arresting Agency & Warrant were not
 Month/Day/Year

DATE TRANSFERRED
TO U.S. CUSTODY

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**

SUMMONS NO PROCESS* WARRANT Bail Amount: No Bail

If Summons, complete following:

Arraignment Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments: _____

**Attachment to
Penalty Sheet for
United States v. Forrest William McElfresh**

Count One: Receipt of Material Involving the Sexual Exploitation of Minors (18 U.S.C. § 2252(a)(2))

Maximum Penalties: 20 years (5 year mandatory minimum)
\$250,000 fine
Lifetime supervised release (5 year mandatory minimum)
\$100 mandatory special assessment

Count Two: Possession of Material Involving the Sexual Exploitation of Minors (18 U.S.C. § 2252(a)(4))

Maximum Penalties: 10 years
\$250,000 fine
Lifetime supervised release (5 year mandatory minimum)
\$100 mandatory special assessment

Forfeiture Allegation: 18 U.S.C. 2253(a)(1) and (a)(3)